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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,586	08/24/2006	Yukari Hirata	BY0040P	8509
210	7590	09/11/2009	EXAMINER	
MERCK AND CO., INC			SEAMAN, D MARGARET M	
P O BOX 2000			ART UNIT	PAPER NUMBER
RAHWAY, NJ 07065-0907			1625	
			MAIL DATE	DELIVERY MODE
			09/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,586	HIRATA ET AL.	
	Examiner	Art Unit	
	D. Margaret Seaman	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) ____ is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) 1-35 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is pyridine, quinoline or isoquinoline.

Group 2, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is pyridine, quinoline or isoquinoline.

Group 3, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is pyridine, quinoline or isoquinoline.

Group 4, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is oxoindene.

Group 5, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is oxoindene.

Group 6, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is oxoindene

Group 7, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is benzothiazole.

Group 8, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is benzothiazole.

Group 9, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is benzothiazole

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Group 10, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is quinoxaline.

Group 11, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is quinoxaline.

Group 12, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is quinoxaline

Group 13, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is imidazolpyridine, triazolopyridine or naphthyridine.

Group 14, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is imidazolpyridine, triazolopyridine or naphthyridine.

Group 15, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is imidazolpyridine, triazolopyridine or naphthyridine.

Group 16, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein

the X ring is a traizole and the A ring is  .. outside the above groups.

Group 17, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein

the X ring is a tetrazole and the A ring is  .. outside the above groups.

Group 18, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein

the X ring is other than triazole or tetrazole and the A ring is  .. outside the above groups.

Group 19, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is six membered with 2 N and 4 C outside the above groups.

Group 20, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is six membered with 2 N and 4 C. outside the above groups.

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Group 21, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is six membered with 2 N and 4 C outside the above groups.

Group 22, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a traizole and the A ring is phenyl outside the above groups.

Group 23, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is phenyl.
outside the above groups.

Group 24, claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is phenyl. outside the above groups.

2. The inventions listed as Groups 1-24 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common core between all of these groups and the core of claim 1 is C of a ring. This is common to the compounds disclosed in USPatent 7417053. Due to this, the corresponding special technical feature is known in other compounds for other utility such as treating diseases mediated by MAPKAP-K2.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D. Margaret Seaman
Primary Examiner
Art Unit 1625

/D. Margaret Seaman/
Primary Examiner, Art Unit 1625

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